IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2231 OF 2005
WITH
CIVIL APPLICATION NO. 5672 OF 2005

Nandkishor Devichand Mehra
and ors. .. Appellants
Vs
Municipal Corporation of
Greater Bombay... .. Respondent.

Mr J.K.Hegde, for the appellants.
Mr J.J.Xavier, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 14.11.2006
PC:

1. Heard the learned counsel for the parties.

2. Mr.Hegde, learned counsel for the appellants, on instructions, prays for withdrawal of this appeal and the application, with liberty to the appellants/applicants to make a proper representation to the respondent-Corporation seeking deletion of the strip of land which, according to the Corporation, they require for road widening within two weeks from today. The appeal is disposed of as withdrawn with liberty as prayed for. If such a representation is made to the Assistant Engineer, K-East Ward, same may be considered within six weeks from the date of receipt thereof in accordance with law.

3. Mr Hegde, learned counsel for the appellants/applicants, on instructions, states that the appellants shall surrender the land in dispute (i.e.the strip of land) if their representation is rejected, within eight weeks from the date of communication of the order of rejection, subject to their right of compensation/TDR/FSI only and that the appellants shall not withhold the construction of road. His statement is accepted. It is needless to express that during the aforesaid period, the order of status-quo shall remain operative.

4. The first appeal along with the civil application is disposed of.

(D.B.BHOSALE,J.)